

Schedule and Format for Adoption of County Caseload Allocation Plans

The Indiana Supreme Court Division of State Court Administration, an office of the Chief Justice of Indiana, is charged pursuant to Administrative Rule 1 of the Indiana Rules of Court with establishing and publishing a schedule for the submission and approval of local court rules implementing caseload allocation plans.

Administrative Rule 1(E), which is effective January 1, 2006, requires the courts of record in a county to develop and implement caseload allocation plans that ensure an even distribution of judicial workload among the courts in the county. The plans must reduce disparity in caseloads and judicial resources so that the utilization variance among the courts in the county, based on a weighted caseload measures system, does not exceed forty percentage points (40%). Courts must submit new plans or re-submit existing plans, if no changes are required, every other year.

Further, Trial Rule 81(C) requires that the Division of State Court Administration develop and publish a schedule for the adoption of all local court rules.

Pursuant to Admin. R. 1(E) and T.R. 81(C), the following schedule shall apply for the submission and approval of local rules governing caseload allocation plans.

1. Year Plans Must Be Developed

Courts in counties whose 2004 weighted caseload statistics indicate a variance of forty percentage points (40%) or more must submit a plan in 2006. In developing their plans, those counties shall use 2005 statistics.

After 2006, the schedule for submission of caseload allocation plans shall follow the schedule of judicial district meetings which is set out in **Section 10**. Thus, beginning in 2007, courts whose district meetings are scheduled for that year must develop and submit caseload allocation plans.

Courts in counties that developed plans in 2006 and are scheduled for judicial district meetings in 2007 must revalidate their plans in 2007. If the 2006 statistics indicate that the caseload variance among these courts still exceeds 40%, such courts must submit a revised plan for correcting the variance. If the 2006 statistics indicate compliance with the 40% standard, these courts will not need to submit another plan until 2009.

2. Schedule

The schedule for submitting caseload allocation plans shall follow the schedule for adoption of all local rules under Trial Rule 81 and is as follows:

April 15 – Division of State Court Administration shall publish the WCL report based on the prior year caseload statistics.

June 1 – Courts of record in the counties who are due to file caseload plans that year pursuant to **Section 10** below shall submit their plans to the Division of State Court Administration for publication and shall publish notice for comment pursuant to T.R. 81.

July 1 – Close of comment period.

July 2 to July 31 – Final approval of caseload plans by local courts.

August 1 – Submission of locally approved caseload plans to Division of State Court Administration for approval pursuant to Administrative Rule 1 (E)(3).

October 1 – Supreme Court action – approval, return with request for revisions, or rejection.

November 1 – Revised plans due before Supreme Court.

November 15 – Final Supreme Court action on resubmitted plans.

January 1 of following calendar year – effective date of caseload plan.

3. Content of the Notice

Not later than June 1 of each year, those courts obligated to prepare a caseload reallocation plan shall give notice to the bar and the public of the content of their proposed caseload allocation plan. The notice shall include:

- (a) Whether the plan is new or a resubmitted pre-existing plan;
- (b) The address to which comments should be sent;
- (c) That comments by the bar and public will be received until July 1;
- (d) That the trial courts will adopt, modify, or reject the plan by July 31;
- (e) That the plan will be submitted to the Indiana Supreme court by August 1;
- (f) That the plan shall not be effective until approved by the Supreme Court; and
- (g) That the effective date of the caseload plan shall be January 1 of the following year.

4. Publication of the Notice

Publication of the notice is accomplished when the courts of a county provide the text of the caseload allocation plan to the county clerk and to the Division of State Court Administration in digital format. The county clerk shall post the notice in the county clerk's office(s) and on the county clerk's website, if any. The Division of State Court

Administration shall post the proposal on the Indiana Judicial website for public inspection and comment. The trial courts shall also give notice to the president and secretary (or similar officers) of any local bar association.

5. Close of Comment Period

The courts of the county shall accept comments for 45 days, until July 1. After July 1, the courts shall review and study the comments received and make any advisable changes to the proposed allocation plan.

6. Adoption of Plan

The courts of record in the county shall approve a single final caseload allocation plan for the courts on or before July 31.

7. Supreme Court Approval

(a) Not later than August 1, the courts shall submit to the Supreme Court Division of State Court Administration all newly adopted and re-adopted case allocation plans by sending a Request for Approval of Local Rules to the Clerk of the Indiana Supreme Court. The Clerk shall enter the Request in the Supreme Court Chronological Case Summary and shall forward the Request to the Division of State Court Administration. **(See Appendix A for a form Request for Approval of Local Rules.)**

(b) The Division of State Court Administration, with Supreme Court approval, will act upon Requests not later than October 1. The Division, with Supreme Court approval, may approve the proposal as submitted, approve a modified version, or reject the proposal.

Courts whose plans are rejected or returned with request for revisions shall have until November 1 to resubmit corrected plans.

(c) The Supreme Court order approving the Request for Approval of Caseload Allocation Plan shall be entered of record in the Record of Judgments and Orders of each local court in which it is effective.

(d) A Caseload Allocation Plan is not effective until the Supreme Court enters an order approving it.

8. Effective Date Of Allocation Plans

All caseload allocation plans shall become effective January 1 of the following year.

9. Plans for Courts that Fail to Develop Plan.

Not later than December 1, The Division shall report to the Supreme Court the counties, if any, where the courts have failed to develop a caseload allocation plan or the plan does not meet the requirements of Administrative Rule 1 so that the Court may determine a plan for such a county pursuant to Admin.R. 1(E).

10. Year Caseload Plans Must Be Developed

a) 2006: The following counties must prepare their caseload allocation plans in 2006.

Allen	Harrison	Marshall
Bartholomew	Henry	Porter
Cass	Howard	St. Joseph
Clark	Huntington	Scott
DeKalb	Knox	Shelby
Delaware	Kosciusko	Sullivan
Elkhart	Lake	Switzerland
Fayette	LaPorte	Tippecanoe
Grant	Madison	Vigo
Hamilton	Marion	Washington

b) 2007: The following counties must prepare their caseload allocation plans in 2007. Counties on this list that had their plan approved in 2006 shall revalidate their plans this year and submit a plan only if they continue to be out of compliance with the 40% standard.

Districts 4, 7, 8, 9, 10, 12 & 14

Benton	Harrison	Ripley
Boone	Hendricks	Rush
Carroll	Jefferson	Scott
Clark	Johnson	Shelby
Clay	Lawrence	Sullivan
Clinton	Marion	Switzerland
Crawford	Monroe	Tippecanoe
Dearborn	Montgomery	Union
Fayette	Morgan	Vermillion
Floyd	Ohio	Vigo
Fountain	Orange	Warren
Franklin	Owen	Washington
Greene	Parke	Wayne
Hamilton	Putnam	White
Hancock		

c) 2008: The following counties must prepare their caseload allocation plans in 2008.

Districts 1, 2, 3, 5, 6, 11 & 13

Adams	Huntington	Perry
Allen	Jackson	Pike
Bartholomew	Jasper	Porter
Blackford	Jay	Posey
Brown	Jennings	Pulaski
Cass	Knox	Randolph
Daviess	Kosciusko	Spencer
Decatur	LaGrange	St. Joseph
DeKalb	Lake	Starke
Delaware	LaPorte	Steuben
Dubois	Madison	Tipton
Elkhart	Marshall	Vanderburgh
Fulton	Martin	Wabash
Gibson	Miami	Warrick
Grant	Newton	Wells
Henry	Noble	Whitley
Howard		

These standards shall remain in effect until amended.

_____, 2005

Lilia Judson
Executive Director
Indiana Supreme Court Division of State Court Administration